

Release
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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF MAY 11, 1998

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-53 People v. Andres, S068755. (B106576.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents an issue, concerning the relationship between Penal Code sections 654 and 667(c)(6), similar to ones before the court in People v. Deloza, S061929 (#97-119), and People v. Nelson, S053008 (#96-73).

#98-54 People v. Barthlett, S068530. (E018883.) Unpublished opinion. Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents issues, concerning the admissibility of DNA evidence, which are related to issues addressed in People v. Venegas, __ Cal.4th __ [filed May 11, 1998], and before the court in People v. Soto, S044043 (see #95-35).

#98-55 Caulk v. Superior Court, S063313. (C015355; 61 Cal.App.4th 1301.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case concerns whether a county, which declines

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to take the \$40 credit authorized by Welfare and Institutions Code section 17000.5, may discontinue all in-kind medical care to general assistance recipients.

#98-56 People v. Cornelius, S068743. (D027176; 61 Cal.App.4th 221.)
Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#98-57 People v. Wright, S068312. (A074574; 60 Cal.App.4th 1242.)
Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

Cornelius and Wright present issues, concerning the effects of the strikes laws on the sentencing of defendants convicted of crimes punishable by life sentences, which are related to issues before the court in People v. Jefferson, S057834. (see #97-31.)

#98-58 Paz v. State of California, S068742. (B096208.) Unpublished opinion. Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case concerns whether an engineering/design company and developer owed a duty of care to a motorist injured because a traffic signal intended to alleviate a pre-existing dangerous condition had not been installed because of delays in the permit process.

#98-59 People v. Rizo, S068729. (C025164; 61 Cal.App.4th 573.)
Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents an issue, concerning whether a defendant may move to strike a prior conviction allegation based on Boykin-Tahl error in the prior proceeding, which is related to an issue before the court in People v. Allen, S054125 (#97-161), People v. Superior Court (Branham), S063653 (#97-162), and People v. Gainey, S064917 (#97-163).

#98-60 People v. Sullivan, S068763. (D027417; 61 Cal.App.4th 337.)
Petition for review after the Court of Appeal affirmed a judgment of conviction of

criminal offenses. This case presents an issue, concerning whether a crime victim whose losses have been fully compensated by his insurer has suffered an economic loss for purposes of restitution under Penal Code section 1202.4, which is related to an issue before the court in People v. Birkett, S062379. (see #97-135.)

98-61 People v. Woods, S068741. (A076543; 61 Cal.App.4th 246.)
Petition for review after the Court of Appeal affirmed orders dismissing criminal prosecutions. This case concerns whether the police may use a probationer's search condition as a pretext to search a shared residence for evidence against the probationer's co-tenant.

#98-62 People v. Zermeno, S068840. (B108578; 61 Cal.App.4th 623.)
Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case is concerned with whether a "pattern of criminal gang activity" for purposes of the criminal street gang enhancement is shown by evidence a fellow gang member aided and abetted the defendant in the commission of the crime of which he was convicted.

#98-63 In re Inquiry Concerning a Judge No. 101 S068838. Original proceeding. This case presents issues concerning whether the Commission on Judicial Performance may prevent a judge from using records from a completed, confidential disciplinary proceeding to defend himself in a civil action.

DISPOSITION

#96-52 People v. Doyle, S052277, was dismissed and remanded to the Court of Appeal.

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